

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

(1) MIRZA BEG and (2) NADIA BEG,

Plaintiffs,

vs.

(1) SHELTER MUTUAL INSURANCE
COMPANY, (2) TODD RESNIK, and
(3) SCOTT SMITH INSURANCE
AGENCY, LLC

Defendants.

Case No. CIV-14-1346-L

NOTICE OF REMOVAL OF CIVIL ACTION

Pursuant to 28 U.S.C.A. §1441, Defendant, Shelter Mutual Insurance Company, (“Shelter”), hereby removes the State Court action *Mizra Beg and Nadia Beg, Plaintiffs v. Shelter Mutual Insurance Company*, CJ-2014-2423 in the District Court of Oklahoma County, State of Oklahoma, to this Court. Pursuant to Local Rule 81.2, a copy of the State docket sheet as well as all documents filed in the State Court litigation are attached hereto as Exhibits 1 and 2. This case is being removed pursuant to 28 U.S.C.A. §1332, as there is no longer any defendant who is a citizen of this state, and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs. This case became removable on November 6, 2014, when the Plaintiffs dismissed the non-diverse Defendants, Todd Resnik and Scott Smith Insurance Agency L.L.C. from the litigation (*See Exhibit 2.14, Dismissal*). This Notice has been filed within thirty (30) days of the dismissal of the non-diverse Defendants. In support of this notice, Shelter states:

1. Plaintiffs allege they are residents of the State of Oklahoma. (*See* Exhibit 2.1 Petition).

2. Defendant Shelter is a Corporation incorporated under the laws of the State of Missouri. (*See* Exhibit 2.1 Petition).

3. In Plaintiffs discovery responses, the Plaintiffs have alleged that they have suffered damages in excess of \$400,000. (Exhibit 3, Discovery Responses: Interrogatory No. 9).

4. This litigation was filed on April 28, 2014.

5. This litigation was not removable when it was filed or served on Shelter as it named as Defendants, Todd Resnik, an Oklahoma resident, and Scott Smith Insurance Agency, L.L.C., an Oklahoma entity, and therefore no diversity existed.

6. On November 6, 2014, the Plaintiffs filed a dismissal of Todd Resnik and Scott Smith Insurance Agency, the non-diverse defendants.

7. The removal of Todd Resnik and Scott Smith Insurance Agency from the litigation created diversity and made the case become removable.

8. This action is now a civil action over which this Court has original jurisdiction under 28 U.S.C. §1332 and which the Defendant, Shelter Mutual Insurance Company, is entitled to remove to this Court, pursuant to 28 U.S.C. §1441, *et seq.*, in that the amount in controversy exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs, and the action is between citizens of different states, as at the time of the commencement of this action and at all times subsequent thereto, the soleremaining

Defendant, Shelter Mutual Insurance Company, has been and is a mutual insurance company organized under the laws of the State of Missouri, does not have any parent corporation or a publicly held corporation that owns 10% or more of its stock and the Plaintiffs have been and still are a citizens of the State of Oklahoma.

9. That 28 U.S.C. §1446(b) provides, in pertinent part:

"If the case stated by the initial pleading is not removable, a Notice of Removal may be filed within 30 days after receipt by the Defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable."

10. That this action first became removable on November 6, 2014, upon Plaintiffs' Dismissal With Prejudice of Todd Resnik and Scott Smith Insurance Agency, the non-diverse Defendants. This Notice of Removal is properly filed within the 30-day time period described by 28 U.S.C. §1446(b).

WHEREFORE, Petitioner, Shelter Mutual Insurance Company, prays that the above action now pending in the District Court of Oklahoma County, State of Oklahoma, Case No. CJ-2014-2423, entitled *Mizra Beg and Nadia Beg, Plaintiffs v. Shelter Mutual Insurance Company, Defendant*, be removed from Oklahoma County District Court to the United States District Court, Western District of Oklahoma.

s/ R. Ryan Deligans

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CERTIFICATE OF SERVICE

☒ I hereby certify that on December 4, 2014, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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